IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Application No. 532 of 2006

1. Anil Kumar Sharma
   S/o Sri Het Ram Sharma
   R/o 7-Devpura Ashram Devpura
   Police Station Kotwali, Haridwar
   District Haridwar
2. Ashok Kumar Sharma
   S/o Sri Het Ram Sharma
   R/o Haripur Kalan,
   Police Station Raiwala
   District Dehradun .... Applicants

Vs

1. State of Uttaranchal
2. Smt. Poonam Sharma
   W/o Sri Anil Kumar Sharma
   R/o 7- Devpura Ashram Devpura
   Police Station Kotwali Haridwar
   District Haridwar .... Opp. Parties

Sri Bipin Mohan Pingal, learned counsel for the applicants
Sri Vivek Shukla, learned counsel for the complainant

Hon'ble B.C. Kandpal, J.

This petition has been filed by the petitioners who are the husband and brother-in-law of respondent No. 2 – Smt. Poonam Sharma for quashing the proceeding in Criminal Case No. 2266 of 2006 State Vs Anil Sharma & another under Section 498-A, 323, 506 I.P.C. pending in the court of Chief Judicial Magistrate, Haridwar.

2. Sri Vivek Shukla has appeared on behalf of the respondent No. 2.

3. A compromise deed has been annexed as annexure No. 6 to the petition which reveals that the petitioner No. 1 Anil Kumar Sharma and respondent No. 2 – Poonam Sharma, who are the husband and the wife respectively have entered

into compromise and both have started living together amicably. Both have also agreed to live together in view of the compromise entered between the parties.

4. Keeping in view the aforesaid facts and circumstances of the case, I think, that there is no justification for continuing the criminal proceedings.

5. Therefore, in the light of the compromise arrived at between the parties as well as in the light of the direction issued by Hon'ble Supreme Court reported in ***2003 SCC (Criminal) page 848 B.S. Joshi and others Vs. State of Haryana & another*** wherein it is observed:-

> *"There is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Indian Penal Code was to prevent torture to a woman by her husband or by relatives of her husband. Section 498-A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hypertechnical view would be counterproductive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of the Indian Penal Code."*
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> *In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers u/s 482 of the Code."*

I am of the view that the petition filed under Section 482 Cr.P.C. should be disposed of in the light of the aforesaid decision.

6. The petition under Section 482 Cr.P.C. is disposed of in terms of the compromise arrived at between the parties.

7. Accordingly, the criminal proceedings in Criminal Case No. 2266 of 2006 State Vs Anil Sharma & another under Section 498-A, 323, 506 I.P.C. pending in the court of Chief Judicial Magistrate, Haridwar is hereby quashed.

(B.C. Kandpal, J.)

12.07.2006
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